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UNCLAS SECTION 01 OF 02 NIAMEY 000593

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SUBJECT: Niger: Update on Civil Society Activist Case

Ref: Niamey 584

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¶1. Summary: Shortly after his release from Niamey prison on August 11 (reftel), Marou Amadou, President of the United Front for the Protection of Democratic Gains (FUSAD), forcibly was taken away by the Nigerien Intervention and Security Forces (FNIS), then brought back to prison before being transferred to the judicial police for questioning on new charges. On August 13, Amadou appeared before the investigating judge, who determined that he should remain in custody pending further investigation of the case. End summary.

¶2. Late in the afternoon of August 11, after Amadou completed some paperwork regarding his release from Niamey prison, about 20 FNIS guards in two pick-up trucks (apparently under the Minister of Interior's orders) forcefully embarked him and drove off him. The FNIS did not produce a warrant for arrest nor did they inform Amadou's lawyers. (Note: Making arrest does not fall in the realm of FNIS responsibilities. End note.) When the lawyers made an inquiry to the state prosecutor, the latter said she was not aware of Amadou's removal by the FNIS. Much later, his lawyers and fellow rights activists found out that Amadou was taken to Koutoukale maximum security prison. According to them, the FNIS made three round trips to Koutoukale with Amadou lying down in the bed of the vehicle and then returned him to Niamey prison at about 9:30 p.m. After that, the judicial police removed him again from the prison to put him in custody at their headquarters. The same night the police had a physician examine him. The physician advised them that Amadou was weak and could not withstand further interrogation, and required rest.

¶3. Late in the evening of August 11, Minister of Communication and Government Spokesperson Mohamed Ben Omar told an international radio journalist that the state prosecutor had appealed the judge's decision to release Amadou. (Note: It appears that Amadou was temporarily released from prison, in application of the court decision, only to be re-arrested immediately by the police in order to start a new case. End note.) One of Amadou's attorneys told Embassy staff that the defense would request the prosecutor to implement the judge's decision by releasing Amadou, notwithstanding the appeal. They indicated that if she failed to do so, they would sue her before a higher jurisdiction for "failure to implement a final court decision."

¶4. On August 13, the judicial police resumed their questioning on new charges against Amadou - "operating a non-authorized organization." The same day, Marc Le Bihan, one of Amadou's lawyers, gave an interview on Dounia TV. He was asked about torture and responded that Amadou "wasn't tortured," but was injured and bruised by multiple high-speed truck rides on the rough road to and

from Koutoukale prison, and mentally "abused" by not knowing where he was being taken, as well as suffering from a lack of sleep.

¶15. Lawyers claimed that Amadou could defend himself from the new charges of "operating a non-declared association." They contended that each of the associations that make up the FUSAD is legally recognized and has official authorization to conduct its activities. They pointed out that the Alliance of Forces for Democracy and the Republic (AFDR) - the ruling coalition - and several other organizations which supported President Tandja's extension plans and carried out a campaign for the "illegal referendum," are also "non-declared associations."

¶16. On August 13, Amadou appeared before the investigating judge at the Niamey Tribunal. After a five-hour interrogation, the judge decided to put him under preventive detention, pending further investigation of the case. Police immediately transported him to Koutoukale maximum security prison, located at 45 kilometers northwest of Niamey. A trial date has not been set. (Comment: There are rumors that the state prosecutor did not appeal the judge's August 11 decision to release Amadou immediately, but that the Executive pressed her to do so rather belatedly. End comment.)

¶17. Marou's lawyers said that they would file a lawsuit for "kidnapping, duress, failure to execute a court decision, and breaching the freedom of an individual." On August 13, the Independent Reflection and Orientation Committee for the Protection of Democratic Gains (CROISADE), a member of FUSAD, issued a statement condemning Amadou's predicament. CROISADE reminded the Government of Niger of its obligation to protect basic human rights, namely the freedom of expression and the freedom of association. It also stated that it would file a complaint before national and international jurisdictions for its leader's "abduction, deportation, and duress."

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